

SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **SEALED**
 : INDICTMENT

- v. - :
 : 07 Cr.

LUIS GARCIA, :

Defendant. :

07 CRIM.

7 36

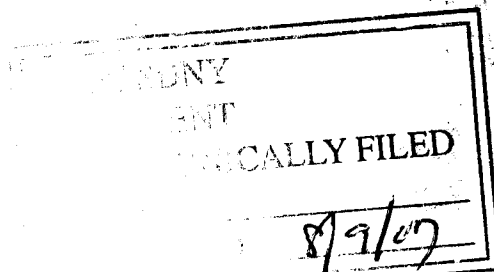
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COUNT ONE

The Grand Jury charges:

1. From at least in or about June 2003, up to and including in or about November 2005, in the Southern District of New York and elsewhere, LUIS GARCIA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that LUIS GARCIA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of methamphetamine, in a form commonly known as crystal methamphetamine, in violation of Sections 812, 841(a)(1), and



841(b)(1)(A) of Title 21, United States Code.

OVERT ACT

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about June 9, 2006, LUIS GARCIA, the defendant, made arrangements over the telephone with a co-conspirator not named herein ("CC-1") to ship methamphetamine to CC-1 at an address in Manhattan.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about June 2006, in the Southern District of New York, LUIS GARCIA, the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of methamphetamine, in a form commonly known as crystal methamphetamine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).)

Forfeiture Allegation

5. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, LUIS GARCIA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds GARCIA obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One and Two of this Indictment, including a sum of money representing the amount of proceeds obtained as a result of the offenses alleged in Counts One and Two of this Indictment.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

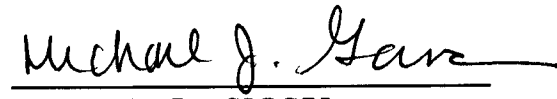
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value;
or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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LUIS GARCIA

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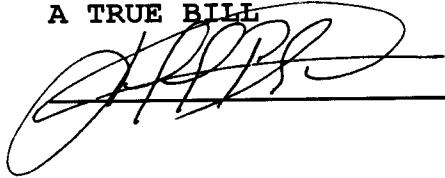
INDICTMENT

07 Cr.

(Title 21, United States Code, Sections
812, 841(a)(1), 841(b)(1)(A) and 846.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.

8/9/07

SAH

Indictment filed under seal. A/W issued.

FDX, J.